
*** DELIBERATIVE AGENDA

LOCAL CONTROL COMMISSION
MONDAY, JULY 16, 2012
CONTOIS AUDITORIUM, CITY HALL
7:08 P.M.

PRESENT: City Council President Shannon, Commissioners Dober, Bushor, Blais, Hartnett, Siegel, Tracy, Adrian, Aubin, Brennan, Paul, Mason, Decelles and Kranichfeld (arrived at 7:14 p.m.) and Mayor Weinberger

CITY ATTORNEY'S OFFICE: Ken Schatz and Gene Bergman

CLERK/TREASURER'S OFFICE: Paul Sisson, Rich Goodwin and Lori Olberg

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Commissioners Dober and Hartnett the agenda was unanimously adopted as is.

2. CONSENT AGENDA

On a motion by Commissioners Dober and Blais the consent agenda was unanimously adopted thus taking the following actions as indicated:

2.01. EXPANSION OF OUTSIDE CONSUMPTION PERMIT (2012-2013): Ken's Pizza
*waive the reading, accept the communication, place it on file and approve the 2012-2013 outside consumption permit expansion for Ken's Pizza: the sidewalk on Bank Street, year round, 4 tables, 16 chairs, 8 a.m. – 2 a.m., everyday

2.02. APPLICATION FOR SPECIAL EVENT PERMIT (August 17, 18th and 19th):

East Shore Vineyard, LLC, Shakespeare in the Park at Oakledge, 5 p.m. – 8:30 p.m.
*waive the reading, accept the communication, place it on file and approve the Application for Special Event Permit (August 17th, 18th and 19th) for East Shore Vineyard, LLC

2.03. CHANGE IN LOCATION: Madera's, moving from 3 Main Street to 180 Battery Street
*waive the reading, accept the communication, place it on file and approve the location change for Madera's with all standard conditions and Fire Marshal approval

3. STIPULATED FINDINGS, CONCLUSIONS & ORDER: Remy Cooper, LLC, d/b/a ½ Lounge

Commissioner Dober made a motion, seconded by Commissioner Blais, to waive the reading, accept the communication, place it on file and adopt the Stipulated Findings, Conclusions and Order for Remy Cooper, LLC, d/b/a ½ Lounge.

Commissioner Dober stated this went through a hearing with the Local Control Sub-committee and the City Attorney's Office thus these are the findings and the results of those findings set by the all.

Commissioner Bushor inquired about a possible error in the stipulated findings; the intent was a two day suspension starting August 6 – ending August 9, 2012; this seemed to represent a 3 day suspension. Commissioner Blais stated the finding of fact result of a stipulated agreement between the licensee and

City Attorney's Office to represent two full club sessions. Commissioner Bushor looked to be a 3 day suspension. Commissioner Blais did not believe lawyers could stipulate to a change in the calendar; if she wanted to make an amendment the City Attorney would not object and the licensee was there as well.

Gene Bergman stated the problem was the Department of Liquor Control hours of operation regulations actually extended for more than a calendar day; hours to serve were from 8 a.m. – 2 p.m. The intent was to capture the full extent of allowable service, hours were the key. Problem is not intent but the way liquor regulations relate to the calendar. They are not suspended for a full day on August 9.

Commissioner Bushor stated August 6 – August 7 is one license period day, August 7 at 8am – August 8 at 8am is the second day. The licensee would be able to serve alcohol on August 8 at 8 am.

Gene Bergman agreed there is an amendment needed in the document and order. Commissioner Dober to Mr. Bergman can we make an amendment on the floor; everything that states August 9th to August 8th throughout the document? Attorney Bergman agreed an amendment comports with the committee; the amendment made throughout the document is to change the date from August 9, 2012 to August 8, 2012. Commissioner Adrian questioned the modification of a stipulated agreement on the floor.

Ken Schatz recommended any changes be initialed by the original signing attorneys to have an on-going stipulation after approval.

The motion to approve the stipulated agreement as amended that goes from August 6, 2012 to August 8, 2012 was passed unanimously.

4. ADJOURNMENT

On a motion by City Council President Shannon to adjourned the Local Control Commission at 7:20 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

REGULAR MEETING, CITY COUNCIL
MONDAY, JULY 16, 2012
7:21 P.M.

PRESENT: City Council President Shannon, Councilors Dober, Bushor, Blais, Hartnett, Siegel, Tracy, Adrian, Aubin, Brennan, Paul, Mason, Decelles and Kranichfeld ; Mayor Weinberger

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

Council President Shannon would like to make a statement prior to the Agenda.

With great sadness I wish to inform the Council that Lyndell Latkins passed away last week. He was a dedicated member of our community and long time City employee. Lynn organized the first City union. Lyn graduated from Burlington High School in 1954 and was given his first City Parks job by then Parks Director Bill Keough. Lyn worked for the City for 40 years and most recently at the Water Department. He deserves credit for many of the benefits enjoyed by City employees today and was president of the Vermont AFL-CIO. I ask we all bow our heads in a moment of silence and remember Lyndell and his family.

1. AGENDA

On a motion by Councilors Adrian and Bushor the agenda was unanimously adopted as amended as follows:

Note **written supporting documentation** for consent agenda item 3.05. RESOLUTION: Compensation for Police Department Sergeants, Lieutenants and Deputy Chiefs – Unified Pay Scale Phase II Implementation (Board of Finance); note **revised** version of consent agenda item 3.11. RESOLUTION: Appointment of Drs. David Simcoe and Josh Schwartzberg to the City of Burlington Board of Medical Examiners (Full City Council); note **complete** written material for consent agenda item 3.18. COMMUNICATION: Richard H. Cate, Vice President for Finance and Administration and University Treasurer, re: City of Burlington and University of Vermont Memorandum of Agreement Re: 2009 Zoning Amendments with the consent action to “waive the reading, accept the communication, place it on file and invite Richard H. Cate to **a subsequent** meeting to discuss this communication;” amend the action for consent agenda item 3.21. COMMUNICATION: Sandra Levine, Senior Attorney, Conservation Law Foundation (CLF), Re: Champlain Parkway – Impact of King Street Neighborhood with the consent action to “waive the reading, accept the communication, place it on file **and refer this communication to the Transportation, Utilities and Energy Committee;**” remove from the consent agenda item 3.04. RESOLUTION: Support for a Parks Foundation and its Potential Role in Securing Private Funding for the Bike **Path** Rehabilitation (Councilors Paul, Brennan, Aubin: Parks, Arts & Culture Committee) and place it on the Deliberative Agenda as item 7.04; add Councilor Paul as a co-sponsor of agenda item 8. RESOLUTION: Resolution of the City of Burlington, Vermont to Environmental Protection Agency Administrator Lisa P. Jackson in Support of Reducing Greenhouse Gas Pollution Under the Clean Air Act (Councilors Brennan, Adrian, Siegel, Aubin, Shannon); add Councilor Dober as a co-sponsor of agenda item 10. RESOLUTION: Appointment of Airport Strategic Planning Committee (Councilor Paul); and add City Council President Shannon as a co-sponsor; add to the agenda item 10.5. COMMUNICATION: Mayor Miro Weinberger, re: Burlington International Airport. RESOLUTION: Creation of a Classified Limited Service full time position Associate Parks Planner (Board of Finance) Consent agenda item 3.24 MEMORANDUM: CAO Paul Sisson regarding record storage at 3060 Williston Road. Consent agenda item 3.25 and action to accept the Communication and place on file.

Councilor Bushor spoke to the amended Resolution on Medical Examiners appointments; the original had no term limits, the change is the term limit of 3 years. And the Resolution on the creation of the Assistant Parks Planner position was part of the budget process, it was an anticipated position this just formalizes the position and allows for the position to be filled.

2. PUBLIC FORUM

City Council President Shannon opened the public forum at 7:30 p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
Sandrine Thibault	Planning & Zoning	Plan BTV draft release
Mollie Matteson	Ctr. for Biological Diversity	Clean Air Cities resolution
Andrew Saba	Ward 6	P&Z Commission member
George Webb	Ward 4	Favor PPNNE safety zone
Jill Krowinski	PP NNE/Ward2	Favor PPNNE safety zone
Amy Cochran	Enosburg, VT	Free Speech/Anti safety zone
Barry Kade	Montgomery, VT	Free Speech
Bill Oetjen	Burlington, VT	Favor PPNNE safety zone

Bridget Mount	Swanton, VT	Free Speech/Anti safety zone
Kelly Devine	Burl. Business Assoc.	Favor Bike Path Repair
Marni Salerno	Fed Up Vermont	Favor PPNNE safety zone
Sandra Baird	Ward 1	Favor PPNNE safety zone
Nathaly Agosto Filion	Ward 3	Favor Climate Action Plan
Emily Eck	Ward 2	Favor PPNNE safety zone

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public forum at 8:03p.m.

3. CONSENT AGENDA

On a motion by Councilors Adrian and Bushor the consent agenda was unanimously adopted, as amended, thus taking the following actions as indicated:

3.01. COMMUNICATION: Lori Olberg, Licensing, Voting & Records Coordinator, re: Accountability List

*waive the reading, accept the communication and place it on file

3.02. RESOLUTION: Authorization to Execute Easements and Other Documents Related to Lands at Burlington International Airport (Councilor Paul)

*waive the reading and adopt the resolution

3.03. RESOLUTION: Authorization to Enter into License Agreement to Erect and Maintain Awnings Extending Over a Portion of the City's Right-of-way with Stacks Sandwiches (Councilors Dober, Tracy, Blais: License Committee)

*waive the reading and adopt the resolution

3.05. RESOLUTION: Compensation for Police Department Sergeants, Lieutenants and Deputy Chiefs – Unified Pay Scale Phase II Implementation (Board of Finance)

*waive the reading and adopt the resolution

3.06. RESOLUTION: Approval of Burlington School District's Purchase of 59 Murray Street (Board of Finance)

*waive the reading and adopt the resolution

3.07. RESOLUTION: Adoption of FY 2013 Parks and Recreation Comprehensive Fees Policy and Authorization of Department of Parks & Recreation to Implement Said Policy (Board of Finance)

*waive the reading and adopt the resolution

3.08. COMMUNICATION: Mari Steinbach, Director, Department of Parks and Recreation, re: Fees & Charges Policy

*waive the reading, accept the communication and place it on file

3.09. RESOLUTION: Authorization to Execute State Highway Transportation Enhancement Grant (Board of Finance)

*waive the reading and adopt the resolution

3.10. RESOLUTION: License Agreement with Chittenden County Transportation Authority To Place Three Bus Shelters and Bike Racks on a Portion of the Public

Rights-of-way on Cherry and St. Paul Streets (Councilors Dober, Tracy,
Blais: License Committee)

*waive the reading and adopt the resolution

3.11. RESOLUTION: Appointment of Drs. David Simcoe and Josh Schwartzberg to the City of
Burlington Board of Medical Examiners (Full City Council)

*waive the reading and adopt the resolution

3.12. COMMUNICATION: Susan Leonard, Human Resources Director and Julie Hulburd, Human
Resources Generalist, re: Designation of Medical Examiners

*waive the reading, accept the communication and place it on file

3.13. COMMUNICATION: Jeanne Collins, Superintendent, Burlington School District, re: Equity
Plan Update

*waive the reading, accept the communication and place it on file

3.14. COMMUNICATION: Miro Weinberger, Mayor to Martha R. Lang, re: Response to her
June 11th Letter Regarding Airport Issues

*waive the reading, accept the communication and place it on file

3.15. COMMUNICATION: Scott Schrader, ACAO, re: August 28, 2012 State Primary Election
Calendar

*waive the reading, accept the communication and place it on file

3.16. REPORT: Karen Lafayette & Erhard Mahnke, re: 2012 Burlington Legislative Report

*waive the reading, accept the report and place it on file

3.17. COMMUNICATION: Lori Olberg, Licensing, Voting and Records Coordinator and Amy
Bovee, Executive Secretary, re: Draft Minutes, City Council, Regular
Meeting, May 7, 2012

*waive the reading, accept the communication, place it on file and adopt the minute at the August 13,
2012 City Council Meeting

3.18. COMMUNICATION: Richard H. Cate, Vice President for Finance and Administration and
University Treasurer, re: City of Burlington and University of Vermont
Memorandum of Agreement Re: 2009 Zoning Amendments

*waive the reading, accept the communication, place it on file and invite Richard H. Cate to the August
13, 2012 City Council Meeting to discuss this communication

3.19. COMMUNICATION: Michael Monte, Chief Operating and Financial Officer, Champlain
Housing Trust, re: CHT Tax Information

*waive the reading, accept the communication and place it on file

3.20. COMMUNICATION: Mary N. Peterson, Commissioner, State of Vermont, Department of
Taxes, re: Fiscal Year 2013 (FY 13) Education Tax Rates

*waive the reading, accept the communication and place it on file

3.21. COMMUNICATION: Sandra Levine, Senior Attorney, Conservation Law Foundation (CLF),
Re: Champlain Parkway – Impact on King Street Neighborhood

*waive the reading, accept the communication and place it on file

3.22. COMMUNICATION: Mayor Miro Weinberger, re: Mayoral Appointments of Assistant City
Attorneys for FY 13

*waive the reading, accept the communication, place it on file and reappoint for the term ending June 30, 2013 the following members of the City Attorney's Office to the positions listed by their names: Eugene Bergman, Senior Assistant City Attorney, City Grand Juror & City Constable; Nikki Fuller, Assistant City Attorney and Assistant Grand Juror; Richard Haesler, Jr., Assistant City Attorney & Assistant Grand Juror, Gregg Meyer, Assistant City Attorney & Assistant Grand Juror and Kimberlee J. Sturtevant, Assistant City Attorney & Assistant Grant Juror

3.23. COMMUNICATION: Joan Shannon, City Council President, re: Ad Hoc Committee on Redistricting Appointments

*waive the reading, accept the communication and place it on file

4. COMMUNICATION: Miro Weinberger, Mayor, re: Appointment of City Attorney

Mayor Weinberger put forth Eileen Blackwood for appointment to City Attorney. She is an exceptionally qualified candidate and will be an exceptional City Attorney.

Motion to approve the appointment of Eileen Blackwood as City Attorney by Councilor Paul; seconded by Councilor Decelles.

Councilor Bushor requested the appointee, Eileen Blackwood, come forward to introduce herself. Eileen Blackwood stated she is excited by the opportunity, although Ken Schatz will leave big shoes to fill, it is an exciting and challenging time for the City, looks forward to working with the City Council and Mayor if appointed.

Council President Shannon stated her support of the appointment and grateful to Ken Schatz for his years of service.

The motion was passed unanimously.

5. COMMUNICATION: Clerk/Treasurer's Office, re: Openings Burlington City Commissions/Boards

Motion to approve and place Communication on file by Councilor Adrian; seconded by Councilor Bushor.

The motion was passed unanimously.

5.01. APPOINTMENT: Housing Board of Review (Term expires 6/30/17)

A motion was made to re-advertise the position by Councilor Decelles; seconded by Councilor Brennan.

The motion was passed unanimously.

6. PUBLIC HEARING: Amending the 2011 Municipal Development Plan by updating the Energy Chapter and integrating the 2012 Climate Action Plan

City Council President Shannon opened the public hearing at 8:44p.m.

<u>Name</u>	<u>Ward/Affiliation</u>	<u>Subject</u>
-------------	-------------------------	----------------

No one came forward to speak.

There being no one further coming forward and no objection from the remaining Council, City Council President Shannon closed the public hearing at 8:44p.m.

- 6.01. PRESENTATION: Jennifer Green, Community and Economic Development and Sandrine Thibault, Department of Planning and Zoning, re: Climate Action Plan Update (20 mins.)

Presentation by Jennifer Green, CEDO, the update on Climate Action Plan (CAP) is a unique plan for Burlington to reduce carbon emissions; CAP is a strategy plan. Burlington has a reputation as a leader and model in CAP; CAP is related to Legacy Plan and Municipal Development Plan. Calculation of emissions from City government, Airport and community were made in 2007; revisited in 2010, emissions have increased from 2007 – 2010. Target 20% reduction in the levels by 2020. All CAP information is available on-line.

Sandrine Thibault, P&Z, presented strategies on how to implement plan to reduce emissions. Through public process 200 strategies were brought forward. Hired Spring Hill Solutions to evaluate 200 strategies and put through filtering process to quantify the strategies; came up with 17 strategies. Implementing 17 strategies only get us to 12%, not the reduction target of 20%; transportation related strategies are the key. Spring Hill report is on Climate Action Plan website. Went back to original list to add other strategies, final total 36 strategies, we should implement. Public process prioritized the list of 36 strategies.

Council President Shannon clarification on amending the Municipal Development Plan is this the only amendment? Sandrine Thibault stated the CAP and Energy Chapter went to Planning Commission held public hearing and approved ;then on to the City Council for adoption; need to hold two public hearings before final adoption.

Councilor Bushor states this is good work; disappointed that we have not made more progress. How does population growth in the City get factored in to the emissions goals and in the plan and proposed Municipal Development plan adoption should be revisited every 5 years; not wait until 2020. Administration and City Council need to have someone track the progress. Jennifer Green stated emissions tracked every 3 years and go back to the Plan; dedication of staff time important. Sandrine Thibault stated population growth can happen without more greenhouse gas emissions; look at comprehensive planning and improved development.

Councilor Brennan greatly appreciates all the hard work. Need to be relentless in our efforts towards sustainability. Sustainability Academy in the Old North End was no accident; three schools have geothermal wells and this is vital. Unfortunate we have not met goals; City can't regulate emissions from cars but controlling number of cars in the City is possible. Whatever we do in the City should go through a sustainability model. Passionate about McNeil Plant co-generation capturing energy from the steam generated would be a huge savings for the City this requires upfront cost, but severe weather events are costing the City. Take these actions and keep moving forward

Councilor Tracy thanked all participants for the work on this update. Questioned the causality of transportation increases and whether an urban agriculture food systems analysis was done and any interface with Urban Ag Task Force. Jennifer Green stated studies showed increased vehicle miles traveled and more cars on the road. Food analysis received from Food Council, local food had many co-benefits health, transportation, waste. Sandrine Thibault stated transportation emissions are estimation of greenhouse gas inventory; estimates made through traffic count data, types of roads, miles of roads; not an exact science.

Councilor Dober stated he understood there are financial constraints on the implementation of the list of initiatives. Sandrine Thibault there are upfront costs but over time there would be savings. Councilor Dober stated in the past the Council missed opportunity to partner with corporate America, a company was willing to fund many of these projects and might have made progress; shame we didn't move forward with the partnership.

Council President Shannon said in 1998 the City embarked on 10% challenge; we did not meet our expectations. Keep in check where we are achieving goals and not achieving goals. She was in support of greenhouse gas reduction and wants to set a lofty, but not unrealistic, goal. Many of the cheap benefits came from vehicle miles traveled and benefits are infinite. How are vehicle miles traveled interpreted in the broader City Municipal Development Plan, a downside may be discouraging tourist and visitors to the City and building of parking. Sandrine Thibault tried to quantify the Burlington residence vehicle miles traveled; strategy is to reduce City residence vehicle miles traveled, also can improve public transit. It is easier to implement energy efficiency in City owned buildings than transportation. Jennifer Green looked at City business travel miles; and strategies to reduce the miles within City operations. Council President Shannon has concerns on the plan and will study it further prior to action.

Councilor Mason stated to reduce vehicle miles traveled showed no cost; however, CarShare, complete streets and other strategies do have costs. Not sure how we can have impact on vehicle miles traveled. Concerned setting ourselves up to fail with the 27% reduction in greenhouse gas emissions; doesn't mean we shouldn't go forward.

- 6.02. COMMUNICATION: Jennifer Green, Community and Economic Development and Sandrine Thibault, Department of Planning and Zoning, re: Climate Action Plan Update

A motion was made to accept Communications 6.02, 6.03 and 6.04, place on file and refer to Board of Finance for review made by Councilor Adrian, seconded by Councilor Brennan.

The motion was passed unanimously.

- 6.03. COMMUNICATION: City of Burlington 2012 Climate Action Plan

- 6.04. COMMUNICATION: Burlington Municipal Development, re: VIII. ENERGY PLAN

7. PRESENTATION: John Bossange, Chair, Bike Path Task Force on behalf of the Task Force, re: Bike Path Task Force Update (15 mins.)

John Bossange, Bike Path Task Force, final report for the Task Force includes a summary memo, full report from RSG and resolution from 2 years ago. A lot of knowledge and hard work was done. Presentation focus on Page 4 which includes the funding package of shared responsibility. We would not be here without the support and foresight of Kurt Wright, 11 members of the community, Department of Park & Recreation, Local Motion ,BBA and the broader business community and the residence of Burlington. Summary memo on page 1 states the five policy recommendations which acted as guiding principles, priorities and final list of projects for the Bike Path. Funding recommendations costs need to be shared by all stakeholders. Charitable giving opportunity through the resolution to establish a foundation for the bike path. We did not get the TIGER grant for funding, but will continue to pursue. We choose not to depend on state and federal monies, as they are too unpredictable. Mayor and CC need to make the funding through blended funding plan to include TIF money and a bond. Rehabilitation figure of \$11.6

million is funding needed; key stakeholders understand and accept funding recommendations. Also, a need to maintain the Bike Path year after year with ½ cent dedicated property tax.

Task Force asks you to focus on the 5 points on page 4: 1) adopt a resolution to establish a foundation for Department of Parks & Recreation to have a vessel for private donations; 2) authorize a 1% rooms and meal tax increase to sunset in 3 years; 3) support the Mayor's proposal to use TIF money; 4) GO bond to cover remaining costs; 5) ½ cent dedicated property tax for maintenance. The Council was urged to take action on these matters as soon as possible.

Council President Shannon expressed thanks to John Bossange and recognized the trifecta that led the Task Force John, Kurt Wright and Chapin Spencer. The City is lucky to have all three and the other numerous partners in this process.

Councilor Tracy thank you John for your dedication. The notion of community is important and the Bike Path really connects the City. He was concerned that a timetable for action was not placed in the report. John Bossange stated the Task Force felt the Council should determine the timetable. Councilor Tracy encouraged the Council to take swift action.

Councilor Bushor thank you for all the information; queried if any other Task Force member wanted to make any additional comments. The report is a good resource and well written. She hoped at some point to connect Ward 1 with the Bike Path.

Councilor Brennan thanked John and pleased the report laid out how to get the project done and the funding sources. As a member of the Parks, Arts and Culture Committee (PAC) urged action on the Bike Path; even in these difficult times. Tax revenues are coming in and people understand the value of the bike path; these repairs will enhance our community.

Councilor Decelles stated every single person can and does utilize the Bike Path and recognized its potential to generate revenues. Usually prefers local issue votes in March; but in this case need to act now and swiftly. Fully support the November ballot and tax increase.

Councilor Paul fully supported the November ballot Echoed previous Councilors sentiments; we need to move forward. The PAC will get a resolution, working with the Mayor's office, for the November ballot.

Mayor Weinberger thanked John and Task Force for a remarkable piece of work; and echoed the sentiments of Councilors. However, the bike path is not going backwards, moving forward with repairs of over \$100,000 made this year. No higher priority for DPW than the \$ 1.7 million of necessary repairs to the bike path. This administration, as part of Moran announcement, made clear priority on planning, spending and rebuilding the heaviest used part of the bike path in the Waterfront TIF district from Perkins Pier to the Moran plant. We do need to continue to talk about the funding in the larger context of the City finances. Helpful action would be to refer to the Board of Finance (BOF) and get a recommendation back to the full Council for the November ballot.

Councilor Dober made a motion to refer all the reports to the BOF for financial review, seconded by Councilor Mason.

Councilor Brennan questioned whether referring reports to BOF prohibited PAC from taking action? Council President Shannon stated that PAC would be able to make recommendation and referral to BOF for their consideration as well; BOF knows the PAC input when looking at financial impacts. Ken Schatz stated certain aspects appropriate for PAC to look at and referring

to BOF does not take away the jurisdiction of the PAC to examine issues to review and make recommendations to the BOF allowing them to look at financial aspects in that context.

Council President Shannon added to the motion to have a report back at the first September meeting, if amenable to Councilors Dober and Mason. Councilor Dober questioned whether the C/T office would have enough time to report back. Paul Sisson stated most aspects should be able to be vetted by then and the timetable would not be a problem

Motion to refer Communications 7.01, 7.02, 7.03 to the BOF for financial review and a report back in September passed unanimously.

7.01. COMMUNICATION: John Bossange, Chair, Bike Path Task Force on behalf of the Task Force, re: Bike Path Task Force Update

7.02. COMMUNICATION: Resolution Relating to Creation of Burlington Bike Task Force (adopted as amended at the September 14, 2010 City Council Meeting)

7.03. REPORT: RSG INC., TRANSPORTATION, re: Burlington Bike Path Improvement Feasibility Study Burlington, VT February 17, 2012: Executive Summary, Final Report and Appendices

7.04. (was 3.04.) RESOLUTION: Support for a Parks Foundation and its Potential Role in Securing Private Funding for the Bike Path Rehabilitation (Councilors Paul, Brennan, Aubin: Parks, Arts & Culture Committee)

A motion was made to adopt resolution and waive reading by Councilor Paul; seconded by Councilor Decelles.

Council President Shannon removed from Consent Agenda to keep it as part of package and have a discussion.

The motion was passed unanimously.

7.5. (was 11) ORDINANCE: OFFENSES AND MISCELLANEOUS PROVISIONS—Health Access Buffer Zone (Councilors Mason, Bushor: Ordinance Committee; Councilors Shannon, Siegel)(2nd reading)

A motion was made to waive the second reading and adopt the ordinance with one technical amendment by Councilor Mason, seconded by Councilor Bushor.

Councilor Mason reported the Ordinance Committee had a meeting on 6/26/12 and 19 people spoke, for and against, plus representatives from Planned Parenthood, Forty Days for Life, and the BPD. The City attorney and Planned Parenthood lawyer discussed the constitutionality of the Ordinance. Heard written testimony from the ACLU in support based upon the First amendment. Technical amendment is the intent of the Committee that the buffer zone extends from the entrance, exit and driveway; not the four corners of the building. Council President Shannon stated the amended version on the floor for approval.

Councilor Bushor found it hard to balance access to health care and freedom of speech. Struggled to get this right and Committee got caught in the weeds in creating the buffer and this is why the amendment was necessary. There was no substantiated incidence but had the potential for incidences to occur and people stated they felt intimidated and unable to get health care. Supports this Ordinance which allows for people to provide information and allow others to avoid intimidation. In the past we addressed the intimidation at the polling stations and put in a buffer zone. This is far more important and we are trying to resolve the feeling of intimidation

Councilor Decelles questioned number of reports filed, there were 3-4 in November; in the last month there were 30 calls. Councilor Mason clarified the BPD reported 8 complaints, 2 calls were related to protesters; 30 calls were acts of intimidation at the health clinic. The example of the polling station buffer zone makes sense; what about a buffer zone for panhandlers in front of businesses, buffer zone in front of banks. We should be willing to make these buffer zones; it is an infringement on the ability to speak freely. Until Council is ready to act on other buffer zone issues we are going down a slippery slope and City could be sued again; opposed to this Ordinance.

Councilor Dober was the only Ordinance member not on the co-sponsor list. Heard that the situation was escalating and an Ordinance Committee meeting was needed; he was unable to attend. He missed opportunity to co-sponsor; he is in support. Opportunity for protestors to get their message out is still there.

Councilor Blais threat of a lawsuit should not keep this body from doing what is right. All constitutional rights are not absolute. There is a compelling interest for people to have access to health care facilities. There is a difference between walking in to bank to cash a check and a woman seeking access to health services. Support the Ordinance.

Councilor Siegel stated that two calls to the police related to protestors or 30 complaints to the health facility are too many. This is an explosive issue, not just emotionally, people have been shot, killed and maimed by anti-choice activists. This is a preventive measure before any thing heinous happens in Burlington. Anti-choice protestors locally are peaceful, but others present scary business. If another institution feels it needs protection from protestors and comes forward I will consider it.

Councilor Adrian when weighing two competing interests the health and safety of an individual has to take precedent over the right to participate in the public forum. Allowing people access to health care service effectuates that goal and supports the Ordinance.

Councilor Hartnett visited Planned Parenthood to observe the protest. Protest is peaceful but it is a small walkway and it is a gauntlet; saw one patient obviously bothered by the protest. Respect freedom of speech and no doubt it is a peaceful protest; however no one should feel intimidated to seek health care services. Fully supports the Ordinance.

Council President Shannon pleased to have name on the resolution. Thanks to all members of the Council for respectful dialogue and thanks to those who came forward to speak. There is still an opportunity to demonstrate and speak freely but without intimidating those that are seeking health care.

The motion of the Health Buffer Zone with amendment was passed 13 – 1, Councilor Decelles against.

8. RESOLUTION: Resolution of the City of Burlington, Vermont to Environmental Protection Agency Administrator Lisa P. Jackson in Support of Reducing Greenhouse Gas Pollution Under the Clean Air Act (Councilors Brennan, Adrian, Siegel, Aubin, Shannon and Paul)

A motion was made to waive the reading and adopt the resolution (as amended) Councilor Brennan; seconded by Councilor Siegel.

Modification on Line 77 starts “Whereas” and moving “Now therefore be it resolved” to Line 88 – delete “and we”.

Councilor Brennan stated Climate Action Plan came forward tonight and one of the biggest obstacles is transportation. This resolution is message to EPA and President Obama to get the reduction of carbon to 350 parts per mil and move legislation leading to higher MPG in vehicles and other strategies. City is looking to be sustainable; this is environmental justice at its height.

Councilor Dober commented briefly during the CAP presentation and had some questions whether Burlington is moving in the right direction. Need real tangible things here in Burlington; but we declined the opportunity to make a real difference with a partnership with a corporation to collaboratively come up with ideas and make City a forerunner for change. Sending a resolution to the White House just words on the paper no purpose and will not have real relevance. Hoping to dig out the partnership we agreed to a few years ago and get to work; instead of just changing peoples’ habits – drive less is not the answer.

Councilor Bushor atated the Clean Air Act is controversial this gives a directive to the President to fully employ and enforce the Clean Air Act. This is a part of the solution, if enough little cities send this message than maybe Congress will act. I want my voice to be heard.

Councilor Brennan stated many communities signing on; we can do our part. We do have a Climate Action Plan and we are not meeting our goals and the main problem is transportation. Find solutions about transportation and the kind of vehicles we are driving. We can not do this all by ourselves. As we look toward climate change every bit counts; relentless in our efforts.

Councilor Decelles rode his bike to the meeting; how many Councilors drove the car today with air conditioning; how many Councilors sat in an air conditioned office today. Hypocritical to sit in an air conditioned room and support this resolution.

The motion was passed 11-2, Councilor Hartnett absent; Councilors Dober and Decelles against.

9. RESOLUTION: Formation of a Diversity, Equity and Inclusion Committee to Develop A Strategic Plan (Councilors Siegel, Brennan, Paul, Tracy)

A motion was made to waive reading and adopt the resolution by Councilor Siegel; seconded by Councilor Paul.

Councilor Siegel stated process to develop this resolution was true group effort to bring this resolution to the Council. The input of people of color made this resolution feel valid. The committee will develop a strategic plan and possible change of charter to have a Commission on Diversity and Equity. Value diversity and equity enough that we will have a commission; work to level the field.

Councilor Dober stated this is important legislation and as Chairman of Board for Imani these issues were dealt with and important to get this out there. [Left at 10:00 p.m.]

Mayor Weinberger enjoyed the process working with Councilors and community members on this resolution. The administration desired a comparative with other cities on diversity and equity efforts to come up with concrete forward looking plan for progress.

Councilor Hartnett questioned the use of ad-hoc committees, no mention that Council President appoints the committee; more school representatives including the Superintendent and students. Need to be careful and get this right; lots of committees formed on diversity and not much action. Disappointed on lack of effort by Council on the schools issue in recent past.

Councilor Brennan supports the resolution; ECHO is hosting an exhibit on race. Molly Loomis, ECHO, described the cross discipline exhibit "Race are we so Different", this is a national traveling exhibit on thorny issue seen through three lenses: everyday experience of race, science of human variation, history of idea of race in the U.S. Content has relevance and applicability in our community at this time; use exhibit as professional development resource. Councilor Brennan asked for use as City department training. Mayor Weinberger stated the administration in consultation with ECHO on possible training tool for department leaders.

Councilor Siegel moved to amend the resolution to add a youth representative; add on Line 66: 9) one youth representative; agreed by Councilor Paul as amended.

Councilor Hartnett asked Council to keep an open mind and move forward slowly; not in favor of Ad-hoc committees. Councilor Siegel the process was to develop a strategic plan by an Ad-hoc committee and continue the work on the plan far into the future through a Commission.

The motion was passed, as amended, unanimously.

10. RESOLUTION: Appointment of Airport Strategic Planning Committee (Councilors Paul, Dober and Shannon)

A motion was made to waive the reading and adopt the resolution by Councilor Paul; seconded by Councilor Mason.

Councilor Paul formation of Strategic Planning Committee for the Airport because it is valued asset for City, tourism, business, commerce and state Airport has had significant financial and growth challenges, credit challenges brought on by BT; must be vigilant with our business enterprises. Private/public ad-hoc committees have been successful; this committee will report back to the Council on progress in late October, final report January 2013.

Councilor Hartnett queried who can choose the ad-hoc committee members? Council President Shannon stated appointment of members of ad-hoc committees are made by Council President unless the Council directs appointment to another member. Ken Schatz stated the Council has appointed members to an ad-hoc committee in a variety of ways. The Council has authority to create ad-hoc committees and can delegate other people to choose members of the committee, consistent with rules and past practices.

Councilor Tracy agreed we need to an aggressive strategic plan for Airport; however important to assess impacts of the airport such as environmental impacts, home buying, F-35. Amend Line 39 add community impacts; agreed to by Councilors Paul and Mason.

Councilor Brennan asked for Mayor's input. Mayor Weinberger stated he is supportive of this effort and other Airport action tonight. Airport has critical role and is a key institution for community. This will ensure the Airport progress will continue; collaboration between administration and Council.

The motion was passed as amended unanimously.

10.5. COMMUNICATION: Mayor Miro Weinberger, re: Burlington International Airport

A motion was made to waive the reading and appoint Gene Richards as Interim Aviation Director by Councilor Paul; seconded by Councilor Decelles.

Mayor Weinberger need to take action on several fronts; another key aspect to keep Airport on track is appointment of Gene Richards as Interim Airport Director. Airport has been hit hard by economic downturn but on path to financial recovery; second year in a row the Airport met its debt service obligation to lenders. The Commission has been very active with Gene Richards as Chair responsible for cost cutting, air services, generate new revenues. This step will clarify roles and responsibilities of Commission and staff positions.

Gene Richards thanked Mayor and Council. Looks forward to opportunity to continue to work at the Airport; and prepare the Airport for next Director. We will continue to struggle in future with air services and finances.

Councilor Decelles thanked Gene for years of service on the Commission. To Mayor what is the financial package for Mr. Richards. Mayor Weinberger stated he will be hired as a temporary hire with salary equivalent to Aviation Director Step 1 level; approximately \$101,000/ year. Figure is budgeted for in the Airport budget.

Councilor Tracy thanked Gene for service on Airport Commission; stated his business experience and community connections will benefit you in this position. Some of your interests will create unique challenges due to ownership of rental housing and foreign related adult law being discussed by the Council. As Department head personal opinions have to be separated. Past opposition to the foreign related adult law and stated plan to file a suit against the City of Burlington.

Gene Richards stated as a department head will not sue the City.

Councilor Bushor stated in the past the Chair of the Airport Commission had a close relationship with the Director of Aviation and this step is not unprecedented.

Councilor Adrian moved to suspend rules at 10:30 p.m. to finish business; seconded by Councilor Paul. The motion passed 12 – 1; Councilor Dober absent, Councilor Hartnett against.

Councilor Bushor concerned about need to hire a permanent Director of Aviation and wanted to hear from Mayor on hiring. Mayor Weinberger stated a Commission chair to Director of Aviation has precedent. New hiring of Director of Aviation in 6-9 months; not ready to start advertising we want to have progress on strategic planning before we advertise the position. Agreed we need a new permanent Director. Councilor Bushor will continue to press for the hiring timeline of permanent Director.

The motion was passed 12 – 1, Councilor Dober absent; Councilor Brennan against.

Councilor Decelles moved to adjourn and Skip 12 – 14.

12. COMMITTEE REPORTS (5 mins.)

13. COMMUNICATION: City Councilors, re: General City Affairs (oral)(10 mins.)

14. COMMUNICATION: Mayor Weinberger, re: General City Affairs (oral)(5 mins.)

15. ADJOURNMENT

On a motion by Councilors Decelles and Blais the Regular City Council Meeting voted unanimously to adjourn at 10:38 p.m.

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

CITY COUNCIL WITH MAYOR PRESIDING
MONDAY, JULY 16, 2012
10:38 P.M.

PRESENT: City Council President Shannon, Councilors Bushor, Blais, Hartnett, Siegel, Tracy, Adrian, Aubin, Brennan, Paul, Mason, Decelles and Kranichfeld ;Mayor Weinberger

ABSENT: Councilor Dober

MAYOR WEINBERGER PRESIDING:

1. AGENDA

On a motion by Councilors Bushor and Tracy the agenda was adopted as is. The motion passed unanimously.

2. APPOINTMENT: Board of Assessors (Term expires 3/31/15)

Councilor Bushor nominated William Vitagliano for the Board of Assessors.

The nomination was passed unanimously.

3. APPOINTMENT: Planning Commission (Term expires 6/30/13)

Councilor Decelles nominated Andrew Saba to the Planning Commission

Councilor Paul recused herself from the vote. The nomination passed unanimously.

4. APPOINTMENT: Public Works Commission (Term expires 6/30/13)

Councilor Decelles nominated Bob Alberry to the Public Works Commission

Councilor Adrian nominated Marc Sherman to the Public Works Commission

Council President Shannon stated Marc Sherman's application is incomplete; supports Bob Alberry.

Councilor Tracy worked with both Bob and Marc on the Public Works Commission wishes both could be appointed; supports Bob's nomination.

The vote was 13 – 1, in favor of Bob Alberry; Councilor Dober absent. Bob Alberry was appointed to the Public Works Commission.

5. ADJOURNMENT

On a motion by Mayor Weinberger, the City Council With Mayor Presiding Meeting voted unanimously to adjourn at 10:43 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary

BOARD OF ABATEMENT OF TAXES

MONDAY, JULY 16, 2012

10:43 P.M.

PRESENT: City Council President Shannon, Councilors Bushor, Blais, Hartnett, Siegel, Tracy, Adrian, Aubin, Brennan, Paul, Mason, Decelles and Kranichfeld ; Mayor Weinberger

ABSENT: Councilor Dober

CITY COUNCIL PRESIDENT SHANNON PRESIDING:

1. AGENDA

On a motion by Councilors Bushor and Decelles the agenda, as amended, was unanimously adopted as is.

Item 2.10 was postponed until August 13th meeting due to appellate unable to attend.

2. CONSENT AGENDA

On a motion by Councilors Paul and Kranichfeld the consent agenda was unanimously adopted, as amended, thus taking the following actions as indicated:

2.01. COMMUNICATION: Clerk/Treasurer's Office, re: Notice City of Burlington Board of Abatement of Taxes

*waive the reading, accept the communication and place it on file

2.02. REQUEST FOR ABATEMENT OF TAXES: Christine Hebert/Vernon Benoit
3181 North Avenue
020-3-012-000

*waive the reading and grant the request for abatement of taxes

2.03. REQUEST FOR ABATEMENT OF TAXES: Roland and Laura LeBlanc
49 Morgan Street
023-3-109-000

*waive the reading and deny the request for abatement of taxes

2.04. REQUEST FOR ABATEMENT OF TAXES: Henry and Stella Zagajeski
137 Dodds Court
028-4-030-000

*waive the reading and deny the request for abatement of taxes

2.05. REQUEST FOR ABATEMENT OF TAXES: Mary Sweeney
74 Borestone Lane
024-1-159-074

*waive the reading and deny the request for abatement of taxes

2.06. REQUEST FOR ABATEMENT OF TAXES: Constance Westfall
3 Eastman Farm Road
027-2-173-003

*waive the reading and grant the request for abatement of taxes

2.07. REQUEST FOR ABATEMENT OF TAXES: Mansur and Elmira Aliyev
98 Cottage Grove
028-1-004-000

*waive the reading and deny the request for abatement of taxes

2.08. REQUEST FOR ABATEMENT OF TAXES: Christine and Mary Leslie
88 Cross Parkway
028-1-117-000

*waive the reading and deny the request for abatement of taxes

2.09. REQUEST FOR ABATEMENT OF TAXES: Kathryn Silliman
Susan Schomody
26 Edgemoor Drive
028-3-067-000

*waive the reading and deny the request for abatement of taxes

2.10. REQUEST FOR ABATEMENT OF TAXES: Phuong Lam
1130 North Avenue
029-2-051-000

*postpone action on this item until the August 13, 2012 City Council Meeting

2.11. REQUEST FOR ABATEMENT OF TAXES: Theresa Lefebvre
37 Avenue B
029-2-052-032

*waive the reading and deny the request for abatement of taxes

2.12. REQUEST FOR ABATEMENT OF TAXES: Bertha and Alison Curley
1062 North Avenue
029-2-056-000

*waive the reading and deny the request for abatement of taxes

2.13. REQUEST FOR ABATEMENT OF TAXES: TD Bank NA Trust Dept.
Joanna Will
13/15 George Street
044-2-119-000

*waive the reading and grant the request for abatement of taxes

2.14. REQUEST FOR ABATEMENT OF TAXES: Curtis McCormack
221-223 North Winooski Avenue
044-3-146-000

*waive the reading and deny the request for abatement of taxes

2.15. REQUEST FOR ABATEMENT OF TAXES: Timothy Grannis
Susan Hurd
196 North Willard Street
045-1-079-000

*waive the reading and grant the request for abatement of taxes

2.16. REQUEST FOR ABATEMENT OF TAXES: Peter Yee
387/389 South Winooski Avenue
053-3-016-000

*waive the reading and deny the request for abatement of taxes

2.17. REQUEST FOR ABATEMENT OF TAXES: Mansur and Elmira Aliyev
457 St. Paul Street
053-3-045-000

*waive the reading and deny the request for abatement of taxes

3. ADJOURNMENT

On a motion by Council President Shannon, the Board of Tax Abatement voted unanimously to adjourn at 10:46 p.m.

Attest:

Lori Olberg, Licensing, Voting & Records Coordinator and Amy Bovee, Executive Secretary